

## *REMARKS*

Applicants thank the Examiner for the very thorough consideration given the present application.

Applicants have amended claims 1 and 5, cancelled claims 2-4, and added claims 6-8. Accordingly, claims 1 and 5-6 are pending for consideration. Reconsideration of this application, as amended, is respectfully requested.

### *I. Priority Under 35 U.S.C. § 119*

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### *II. Information Disclosure Citation*

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed July 17, 2003, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

### *III. Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph*

Claims 1 and 4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the

invention, for the reasons set forth on page 2 of the Office Action. Applicants have amended claim 1 and cancelled claim 4 without prejudice.

In amended claim 1, it is particularly pointed out that the ternary phase layer is formed of Co, Si, and a metal which is selected from a group consisting of Ti, Ta, W, V, Cr, Mn, Zr, Mo and Hf. Therefore, it is clear what material would constitute the ternary phase layer in claim 1. In view of the amendments above, it is respectfully requested that the rejections under § 112 second paragraphs should be withdrawn.

#### *IV. Rejections under 35 U.S.C. § 103*

Claim 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Applicants' admitted prior art (AAPA) of this application in view of Hirade (US Patent No. 5,858,888). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claim 3 has been cancelled, thus rendering this rejection under 35 U.S.C. § 103 moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

*V. Allowable Subject Matter*

The Examiner states that claims 2 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. Objected-to claim 2 has been cancelled. Objected-to claim 5 has been substantially rewritten into independent form, and should therefore be allowed.

*VI. Claims 6-8*

Claims 6-8 have been added for the Examiner's consideration. Applicants submit that claims 6-8 depend, either directly or indirectly, from independent claim 5, and are therefore allowable based on their dependence from claim 5 which is believed to be allowable. In addition, claims 6-8 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 6-8 are respectfully requested.

*VII. Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

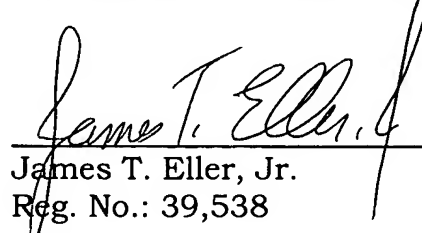
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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